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May 6, 2022

VIA ECF FILING

Honorable Arlene R. Lindsay
United States District Court
Eastern District of New York
814 Federal Plaza
Central Islip, NY 11722-4451

Re: *Vlahopoulos v. Roslyn Union Free School Dist., et al.*
Docket No. 21-cv-00063 (ARL)

Dear Magistrate Judge Lindsay:

We represent defendants Roslyn Union Free School District, Scott Andrews, and Christopher Roth. We write in response to plaintiff's May 4, 2022 letter to the Court to the extent plaintiff seeks to file a "preclusion" motion against defendants. (Docket Entry No. 55).

Again, plaintiff has not attempted to resolve any alleged discovery dispute before filing this letter. Section 2(A)(1) of Your Honor's Individual Rules require all parties to make a good faith effort made by phone or in person before seeking to file a discovery motion. The Court reminded the parties of this requirement in a prior order. (Docket Entry No. 50). Plaintiff does not explain how any meet and confer effort occurred. He cannot, as there was no such effort despite defendants serving their document responses on November 19, 2021, nearly 6 months ago.

As per our prior letter to the Court, the parties engaged in a meet and confer regarding plaintiff's own discovery deficiencies as outlined in defendants' February 13, 2022 letter to the Court. (Docket Entry Nos. 47 and 52.) Plaintiff's counsel, Kevin Krupnick, and I met by phone on the afternoon of March 10, 2022. I went over each deficiency outlined in my letter. We still await production of those supplementary responses and the initial disclosures, which is the subject of our prior correspondence to the Court.

To the extent plaintiff is now pointing a finger at defendants, this is a transparent attempt to deflect away from plaintiff's own failure to adhere with Court directives, as set forth in our last letter to the Court. Nonetheless, as set forth in our prior correspondence to the Court (*see* Docket Entry No. 46.), during the March 10, 2022 call with plaintiff's counsel, no issue with defendants' discovery responses was discussed and we invited plaintiff's counsel to advise us if there was anything to discuss in the future. (Docket Entry No. 51, Ex. A.) No follow up was received and we stand by the propriety of our prior responses.

As per our prior letter to the Court, plaintiff does not detail with any particularity how defendants' responses are deficient, just an overall unhappiness we are in federal court, that we moved to dismiss (which was granted in part), etc. Instead, plaintiff makes baseless accusations of a "strip search" that is belied by his own testimony at a 50-h examination, as would be shown on summary judgment should this case proceed past the pending motion to dismiss for failure to prosecute. (Copies of the relevant 50-h transcript pages are attached as Exhibit A.)

Thank you for the consideration of this matter.

Respectfully submitted,

SOKOLOFF STERN LLP



Adam I. Kleinberg

cc: All counsel of record (via ECF)